

reached when the cumulative number of failed engines or vehicles, as defined in paragraph (b) of this section, for each pollutant is less than or equal to the pass decision number appropriate to the cumulative number of engines or vehicles tested. A fail decision is reached when the cumulative number of failed engines or vehicles for one or more pollutants is greater than or equal to the fail decision number appropriate to the cumulative number of engines or vehicles tested. The pass and fail decision numbers associated with the cumulative number of engines or vehicles tested are determined by use of the tables in appendix X to this part appropriate to the projected sales as made by the heavy-duty engine or heavy-duty vehicle manufacturer in its Application for Certification, or as made by the light-duty truck manufacturer as made in its report submitted under § 600.207-80(a)(2) of this chapter (Automobile Fuel Economy Regulations). In the tables in appendix X to this part, sampling plan "stage" refers to the cumulative number of engines or vehicles tested. Once a pass or fail decision has been made for a particular pollutant, the number of engines or vehicles whose final deteriorated test results exceed the emission standard or compliance level, if applicable, for that pollutant may not be considered any further for purposes of the audit.

(2) *CST criteria only.* A pass/fail decision is made based on the CST in its entirety rather than on a per pollutant basis. The manufacturer must test vehicles comprising the test sample until a pass or fail decision is reached for the CST. A pass decision is reached when the cumulative number of failed vehicles, as defined in paragraph (b) of this section, based on CST testing, is less than or equal to the pass decision number appropriate to the cumulative number of vehicles tested. A fail decision is reached when the cumulative number of failed vehicles based on CST testing is greater than or equal to the fail decision number appropriate to the cumulative number of vehicles tested. The pass and fail decision numbers associated with the cumulative number of vehicles tested are determined by use of the tables in appendix X to this part appropriate to the projected sales

as made by the light-duty truck manufacturer as made in its report submitted under § 600.207-80(a)(2) of this chapter (Automobile Fuel Economy Regulations). In the tables in appendix X to this part, sampling plan "stage" refers to the cumulative number of engines or vehicles tested. Once a pass or fail decision has been made based on CST testing, the number of vehicles whose final deteriorated test results exceed any of the emission standards for any CST may not be considered any further for purposes of the audit.

(d) Passing or failing of a SEA occurs when the decision is made on the last engine or vehicle required to make a decision under paragraph (c) of this section.

(e) The Administrator may terminate testing earlier than required in paragraph (c) of this section.

[58 FR 58426, Nov. 1, 1993]

**§ 86.1010-2001 Compliance with acceptable quality level and passing and failing criteria for Selective Enforcement Audits.**

(a) The prescribed acceptable quality level is 40 percent.

(b) A failed vehicle or engine is one whose final deteriorated test results pursuant to § 86.1009-2001(c) exceed at least one of the applicable emission standards associated with the test procedures pursuant to § 86.1008-2001(a).

(c)(1) *Pass/fail criteria.* The manufacturer shall test light-duty trucks, heavy-duty engines, or heavy-duty vehicles comprising the test sample until a pass decision is reached for all of the pollutants associated with all of the test procedures pursuant to § 86.1008-2001(a) or a fail decision is reached for one of these pollutants. A pass decision is reached when the cumulative number of failed vehicles or engines, as defined in paragraph (b) of this section, for each pollutant is less than or equal to the fail decision number appropriate to the cumulative number of vehicles tested. A fail decision is reached when the cumulative number of failed vehicles or engines for one pollutant is greater than or equal to the fail decision number appropriate to the cumulative number of vehicles tested. The

pass and fail decision numbers associated with the cumulative number of vehicles tested are determined by use of the tables in appendix X of this part appropriate to the projected sales as made by the heavy-duty engine or heavy-duty vehicle manufacturer in its Application for Certification, or as made by the light-duty truck manufacturer in its report submitted under § 600.207-80(a)(2) of this chapter (Automobile Fuel Economy Regulations). In the tables in appendix X of this part, sampling plan "stage" refers to the cumulative number of vehicles or engines tested. Once a pass decision has been made for a particular pollutant associated with a particular test procedure pursuant to § 86.1008-2001(a), the number of vehicles or engines whose final deteriorated test results exceed the emission standard for that pollutant may not be considered any further for purposes of the audit.

(2) *CST criteria only.* For CST testing pursuant to subpart O, a pass or fail decision is determined according to the pass/fail criteria described in paragraph (c)(1) of this section, except that for each vehicle, the CST in its entirety is considered one pollutant.

(d) Passing or failing of an SEA audit occurs when the decision is made on the last vehicle or engine required to make a decision under paragraph (c) of this section.

(e) The Administrator may terminate testing earlier than required in paragraph (c) of this section.

[59 FR 16309, Apr. 6, 1994]

**§ 86.1012-84 Suspension and revocation of certificates of conformity.**

(a) The certificate of conformity is suspended with respect to any engine or vehicle failing pursuant to paragraph (b) of § 86.1010-84 effective from the time that testing of that engine or vehicle is completed.

(b) The Administrator may suspend the certificate of conformity for a configuration which does not pass an SEA, pursuant to paragraph § 86.1010-84(c), based on the first test or all tests conducted on each engine or vehicle. This suspension will not occur before ten days after failure to pass the audit.

(c)-(d) [Reserved]

(e) If the results of testing pursuant to these regulations indicate that engines or vehicles of a particular configuration produced at one plant of a manufacturer do not conform to the regulations with respect to which the certificate of conformity was issued, the Administrator may suspend the certificate of conformity with respect to that configuration for engines or vehicles manufactured by the manufacturer at all other plants.

(f) [Reserved]

(g) The Administrator shall notify the manufacturer in writing of any suspension or revocation of a certificate of conformity in whole or in part: *Except*, That the certificate is immediately suspended with respect to any failed engines or vehicles as provided for in paragraph (a) of this section.

(h) The Administrator may revoke a certificate of conformity for a configuration when the certificate has been suspended pursuant to paragraph (b), (c) or (e) of this section if the proposed remedy for the nonconformity, as reported by the manufacturer to the Administrator, is one requiring a design change or changes to the engine and/or emission control system as described in the Application for Certification of the affected configuration.

(i) Once a certificate has been suspended for a failed engine or vehicle as provided for in paragraph (a) of this section, the manufacturer shall take the following actions:

(1) Before the certificate is reinstated for that failed engine or vehicle,

(i) Remedy the nonconformity, and

(ii) Demonstrate that the engine or vehicle conforms to applicable standards or compliance levels by retesting the engine or vehicle in accordance with these regulations; and

(2) Submit a written report to the Administrator, after successful completion of testing on the failed engine or vehicle, which contains a description of the remedy and test results for each engine or vehicle in addition to other information that may be required by this regulation.

(j) Once a certificate for a failed configuration has been suspended pursuant to paragraph (b), (c) or (e) of this section, the manufacturer shall take the